



Senate

General Assembly

File No. 679

January Session, 2017

Substitute Senate Bill No. 1042

Senate, April 20, 2017

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF SEXUAL ASSAULT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-193 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017, and*
3 *applicable to any offense committed on or after said date and to any offense*
4 *committed prior to said date for which the statute of limitations in effect at the*
5 *time of the commission of the offense had not yet expired as of said date*):

6 (a) There shall be no limitation of time within which a person may
7 be prosecuted for (1) a capital felony under the provisions of section
8 53a-54b in effect prior to April 25, 2012, a class A felony or a violation
9 of section 53a-54d or 53a-169, (2) a violation of section 53a-165aa or
10 53a-166 in which such person renders criminal assistance to another
11 person who has committed an offense set forth in subdivision (1) of
12 this subsection, (3) a violation of section 53a-156 committed during a
13 proceeding that results in the conviction of another person

14 subsequently determined to be actually innocent of the offense or
15 offenses of which such other person was convicted, or (4) a motor
16 vehicle violation or offense that resulted in the death of another person
17 and involved a violation of subsection (a) of section 14-224.

18 (b) No person may be prosecuted for a class B felony violation of
19 section 53a-70 or 53a-70a or a violation of section 53a-70b, 53a-71, 53a-
20 72a or 53a-72b for which the punishment is or may be imprisonment in
21 excess of one year, except within ten years next after the offense has
22 been committed.

23 [(b)] (c) No person may be prosecuted for any offense, other than an
24 offense set forth in subsection (a) or (b) of this section, for which the
25 punishment is or may be imprisonment in excess of one year, except
26 within five years next after the offense has been committed.

27 [(c)] (d) No person may be prosecuted for any offense, other than an
28 offense set forth in subsection (a), [or] (b) or (c) of this section, except
29 within one year next after the offense has been committed.

30 [(d)] (e) If the person against whom an indictment, information or
31 complaint for any of said offenses is brought has fled from and resided
32 out of this state during the period so limited, it may be brought against
33 such person at any time within such period, during which such person
34 resides in this state, after the commission of the offense.

35 [(e)] (f) When any suit, indictment, information or complaint for any
36 crime may be brought within any other time than is limited by this
37 section, it shall be brought within such time.

38 Sec. 2. Subsection (c) of section 12-660 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective*
40 *October 1, 2017*):

41 (c) Notwithstanding the provisions of [subsection (b) of] section 54-
42 193, as amended by this act, a person may be prosecuted for a violation
43 of any provision of this chapter more than five years after such
44 violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017, and applicable to any offense committed on or after said date and to any offense committed prior to said date for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of said date</i>	54-193
Sec. 2	<i>October 1, 2017</i>	12-660(c)

JUD*Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	Potential	Potential
Resources of the General Fund	GF - Potential Revenue Gain	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill extends the statute of limitations for certain sexual assault crimes from five years to 10 years. To the extent that this change results in more offenders being prosecuted and convicted, this bill results in a potential cost for incarceration or probation supervision in the community or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenders.

OLR Bill Analysis**sSB 1042*****AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF SEXUAL ASSAULT.*****SUMMARY**

This bill extends the criminal statute of limitations for certain sexual assault crimes from five years to 10 years. The bill applies to the following crimes:

1. 1st degree sexual assault and 1st degree aggravated sexual assault, in cases where the crime is a class B felony;
2. sexual assault in a spousal or cohabiting relationship;
3. 2nd degree sexual assault; and
4. 3rd degree sexual assault and 3rd degree sexual assault with a firearm.

Under existing law, unchanged by the bill:

1. in some circumstances, 1st degree sexual assault and 1st degree aggravated sexual assault are class A felonies, with no statute of limitations;
2. there is also no statute of limitations for any of the above crimes in specified circumstances when there is DNA evidence (CGS § 54-193b, see BACKGROUND);
3. in other sexual assault cases where the victim was a minor, the statute of limitations may extend as far as the victim's 48th birthday (CGS § 54-193a, see BACKGROUND); and
4. the statute of limitations is tolled (suspended) if the defendant

has fled the state before the statute of limitations has expired.

The bill also makes a conforming change (§ 2).

EFFECTIVE DATE: October 1, 2017, and the bill applies to (1) offenses committed on or after the date and (2) offenses committed before then if the statute of limitations in effect when the offense was committed had not expired as of October 1, 2017. The conforming change is effective October 1, 2017.

BACKGROUND

Cases Involving DNA Evidence

By law, there is no statute of limitations for any of the sexual assault crimes covered by the bill if the (1) victim reports the crime to the police or a prosecutor within five years of the date it is committed and (2) alleged offender's identity is established through DNA using evidence collected at the time of the offense (CGS § 54-193b).

Cases Involving Sexual Assault of a Minor

By law, as with cases involving adult victims, there is no statute of limitations for sexual assault of a minor if (1) the crime is a class A felony or (2) there is DNA evidence for specified crimes as described above.

Otherwise, the statute of limitations for sexual assault of a minor is up to (1) the victim's 48th birthday or (2) five years from the date the victim notifies the police or a prosecutor of the crime, whichever is earlier. In cases of 2nd degree sexual assault where the victim is 13 to 15 years old and the offender is more than three years older, the victim must have notified the police or a prosecutor of the crime within five years after it was committed (CGS § 54-193a).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/04/2017)